

## **REMARKS**

This communication is a full and timely response to the aforementioned non-final Office Action dated November 16, 2007. By this communication, claims 1 and 3 are amended. Claims 1-12 remain pending, where claim 5-12 are withdrawn, and claim 1 is generic. Reconsideration and allowance of this application are respectfully requested.

### **Office Action Summary**

The Office Action Summary is incomplete. Item 10, although checked, fails to indicate whether the Office accepts or objects to Applicants' drawings. Clarification on the status of the drawings is respectfully requested.

### **Rejections Under 35 U.S.C. §112**

Claim 3 is rejected under 35 U.S.C. §112, second paragraph, as indefinite. Applicants respectfully traverse this rejection. However, in an effort to expedite prosecution claim 3 has been amended to address the stated concerns. Withdrawal of this rejection is respectfully requested.

### **Rejections Under 35 U.S.C. § 103**

The Office alleges that claims 1-4 are unpatentable over *Tagami* in view of various secondary references. In particular, claim 1 is rejected under 35 U.S.C. §103(a) for alleged unpatentability over *Tagami* (U.S. Patent Publication No. 2003/0091138), claims 2 and 3 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Tagami* in view of *Chen et al* (U.S. Patent No. 7,162,002), and claim 4 is rejected under 35 U.S.C. §103(a) for alleged unpatentability over

*Tagami* in view of *Chen* and *Ishihara* (U.S. Patent No. 5,557,648). Applicants respectfully traverse these rejections.

The instant application was filed on December 10, 2004 and is wholly owned by Mitsubishi Denki Kabushiki Kaisha (Mitsubishi Denki) as evidenced by the recorded Assignment on Reel 016721 at Frame 0952. *Tagami* was published on May 15, 2003 and is also wholly owned by Mitsubishi Denki. MPEP §706.02(I)(1) states "[e]ffective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention 'were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.' This change to 35 U.S.C. 103(c) applies to all utility, design and plant patent applications filed on or after November 29, 1999, including continuing applications filed under 37 CFR 1.53(b), continued prosecution application filed under 37 CFR 1.53(d), and reissues." Because *Tagami* and the instant application are both owned by Mitsubishi Denki and the instant application was filed after November 29, 1999, Applicant respectfully submits that *Tagami* is disqualified as prior art. Accordingly, withdrawal of the aforementioned rejections is respectfully requested.

**Conclusion**


Based on at least the foregoing amendments and remarks, Applicants submit that claims 1-4 are allowable and request the rejoinder and allowance of claims 5-12 by virtue of generic claim 1. In the event any issues remain, the Office is invited to contact the undersigned attorney.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By:

  
Shawn B. Cage  
Registration No. 51522

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620